



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

NOV 21 2008

REPLY TO THE ATTENTION OF:

AE-17J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Richard Lehman, President
J & J Cores
22375 Oxford Township Road 105
Newcomerstown, Ohio 43832

Re: Finding of Violation at J&J Cores, Newcomerstown, Ohio

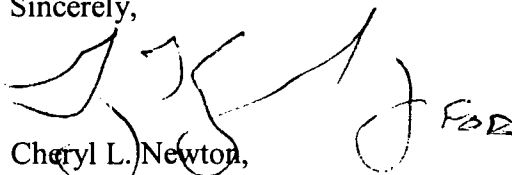
Dear Mr. Lehman:

This is to advise you that the U. S. Environmental Protection Agency has determined that the J&J Cores facility at 22375 Oxford Township Road 105, Newcomerstown, Ohio is in violation of Section 112 of the Clean Air Act (CAA), 42 U.S.C. § 7412 and associated state or local pollution control requirements. After reviewing the semiannual report required by 40 C.F.R. § 63.1516 (b), the Administrator of the EPA finds J&J Cores to be in violation of the CAA and its implementing regulations at 40 C.F.R. § 63.1500. A list of the requirements violated is provided below. We are today issuing to you a Finding of Violation (FOV) for these violations pursuant to Sections 113(a)(3) of the CAA, 42 U.S.C. §§ 7413(a)(3).

Section 113 of the CAA gives us several enforcement options to resolve these violations, including: issuing an administrative compliance order, issuing an administrative penalty order, bringing a judicial civil action, and bringing a judicial criminal action. EPA is providing you with the opportunity to request a conference with us about the violations alleged in the FOV. A conference should be requested within 10 days following receipt of this notice and any conference should be held within 30 days following receipt of this notice. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for your facility's technical and management personnel to take part in these discussions. You may have an attorney represent you at this conference.

The EPA contact in this matter is Gina Harrison. You may call her at (312) 353-6956 if you wish to request a conference. EPA hopes that this FOV will encourage J&J Cores' compliance with the requirements of the CAA.

Sincerely,

A handwritten signature in black ink, appearing to read "Cheryl L. Newton". The signature is stylized with a large, sweeping "C" and "N". To the right of the signature, the letters "FDR" are handwritten.

Cheryl L. Newton,
Acting Director
Air and Radiation Division

4. A sweat furnace, as that term is defined at 40 C.F.R. §63.1503, means a furnace used exclusively to reclaim aluminum from scrap that contains substantial quantities of iron by using heat to separate the low-melting point aluminum from the scrap while the higher melting point iron remains in solid form.
5. Pursuant to 40 C.F.R. § 63.1506 (h)(1), the owner or operator of a sweat furnace with emissions controlled by an afterburner must maintain a 3-hour block average operating temperature of each afterburner at or above the average temperature established during the performance test or 1600 degrees Fahrenheit if a performance test was not conducted. The afterburner must meet the specifications of §63.1505(f)(1).
6. Pursuant to 40 C.F.R. § 63.1506 (h)(2), the owner or operator of a sweat furnace with emissions controlled by an afterburner must operate each afterburner in accordance with the Operation, Maintenance, and Monitoring (OM&M) plan.
7. Pursuant to 40 C.F.R. §63.1510(g)(1), the owner or operator must install, calibrate, maintain, and operate a device to continuously monitor and record the operating temperature of the afterburner consistent with the requirements for continuous monitoring system in subpart A of this part.
8. 40 C.F.R. § 60.13(e) provides that with the exception of system breakdowns, repairs, calibration checks, and zero and span adjustments required, all continuous monitoring systems shall be in continuous operation and shall meet minimum frequency of operation requirements.
9. Pursuant to 40 C.F.R. §63.1516 (b), the owner or operator of a sweat furnace must submit semiannual reports within 60 days after the end of each 6-month period. Each report must contain the information specified in §63.10(c). When no deviations of parameters have occurred, the owner or operator must submit a report stating that no excess emissions occurred during the reporting period.

Factual Background

10. J&J owns and operates a sweat furnace at 22375 Oxford Township Road 105, Newcomerstown, Ohio, and sweats aluminum from automotive, household, and manufacturing breakage scrap.
11. J&J's sweat furnace, installed in 2001, is subject to the requirements at 40 C.F.R. 63, Subpart RRR. The sweat furnace is used to melt and separate aluminum from scrap containing aluminum and iron metals.
12. J&J's sweat furnace emissions are controlled by an afterburner which is subject to the requirements of 40 C.F.R 63, Subpart RRR.

13. An April 15, 2005, Consent Agreement and Final Order issued by EPA required J&J Cores to, among other things, maintain and operate a device to continuously monitor and record the operating temperature of the afterburner.

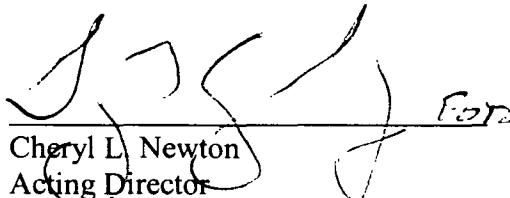
Violations of Maintenance and Monitoring Requirements

14. J&J Cores did not monitor and record afterburner temperatures of the sweat furnace during the period April 14, 2008 to June 27, 2008, as required by 40 C.F.R. §63.1510 (g)(1), 40 C.F.R. § 60.13(e), and Section 112 of the Act, 42 U.S.C. §7412.
15. J&J Cores did not operate in accordance with Part E of the facility OM&M plan, as required by 40 C.F.R § 63.1506 (h)(2), and Section 112 of the Act, 42 U.S.C. §7412.

Environmental Impact of Violations

16. Excess emissions of dioxins and furans increases public exposure to potentially life-threatening carcinogens. Dioxins and furans are formed by burning chlorinated compounds with hydrocarbons. There is no known threshold below which dioxin will not cause cancer. Long term exposure to dioxin has additionally been linked to birth defects, inability to maintain pregnancy, decreased fertility, reduced sperm counts, endometriosis, diabetes, learning disabilities, immune system suppression, lung problems, skin disorders, lowered testosterone levels and much more.

11/21/08
Date


Cheryl L. Newton
Acting Director
Air and Radiation Division

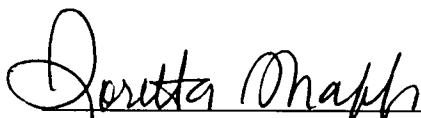
CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Notice and Finding of Violation, No. EPA-5-09-OH-01, by Certified Mail, Return Receipt Requested, to:

Richard Lehman, President
J & J Cores
22375 Oxford Township Road 105
Newcomerstown, Ohio 43832

I also certify that I sent copies of the Notice of Violation and Finding of Violation by first class mail to:

on the 21 day of November, 2008.



Loretta Shaffer, Secretary
AECAS, MN/OH

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 0185 9730